

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MAUREEN MCPADDEN,)
)
 PLAINTIFF)
)
 v.) CIVIL ACTION NO. 1:14-cv-00475-SM
)
 WAL-MART STORES EAST, LP,)
)
 DEFENDANT.)
)
)

DEFENDANT'S PROPOSED *VOIR DIRE* QUESTIONS TO PROSPECTIVE JURORS

Defendant Wal-Mart Stores East, L.P. hereby requests that the following questions be asked of prospective jurors in the above-captioned matter:

A. General Questions

1. Do you know Ms. McPadden? Are any of you related to Ms. McPadden in any way? Do you know any members of her family?
2. Ms. McPadden is represented by Richard Fradette of the law firm Fradette Beliveau & Gallant and Lauren Simon Irwin of the law firm Upton & Hatfield. Do any of you know Attorney Fradette or Attorney Irwin? Have you had any dealings with their respective law firms?
3. Walmart's attorneys are Chris Kaczmarek and Joe Lazazzero of the law firm of Littler Mendelson. Do any of you know Attorney Kaczmarek or Attorney Lazazzero? Have you had any dealings with Littler Mendelson?
4. During the trial of this case, the following witnesses, in addition to the named parties, may be called to testify on behalf of the parties. The parties are not

required to call all of these witnesses but might decide to call some of them. Do you know of, or are you related to, any of the following potential witnesses?

- a. Joseph Certo
- b. Joshua Varieur
- c. Heather Harris McCaffrey
- d. Janice Urbanski
- e. Barbara Kulwicki
- f. Pam Dechellis
- g. Deborah Genna
- h. Jesse Slater
- i. Jennifer Fonseca
- j. Lurene Riel
- k. Andy Tau
- l. The witnesses identified by Ms. McPadden

5. Ms. McPadden worked at the Walmart in Seabrook, New Hampshire. Have any of you shopped there? Have any of you had your prescriptions filled there?

6. Have any of you or a member of your family ever been involved as a party or witness in a civil lawsuit? If so, please describe the nature of the lawsuit.

7. Have you ever been involved in any way or been the subject of an investigation in the workplace?

8. Have you ever had any legal training, taken any law courses or been employed by any law firm or by any government law entity such as any prosecutor's office, any court system or any type of legal investigation office in any government entity?

9. Have you ever had any training, or taken any classes, concerning pharmacy?

10. Have you ever worked in a pharmacy? Have any of your family members ever worked in a pharmacy?
11. Have you ever been in charge of hiring or firing other employees, or advising on whether other employees should be terminated?
12. Have you, or anyone in your immediate family, ever been a member of a labor union?
13. Have you ever served as a juror before?
 - a. If yes, when?
 - b. Civil or Criminal?
 - c. What did the case involve?
 - d. Were you the foreperson?
 - e. Without telling us what the verdict was, did you reach a verdict?
14. If you or someone close to you has served as a juror in any type of case, was there anything about that experience as a juror that would make it difficult for you to be fair and impartial in this case?
15. Are you a member of any organization, club or group that is concerned with employment issues or civil lawsuits? If so, please describe the organization and your role.
16. In general, do you, at the beginning of this trial with only having heard the description of this case, have any feelings toward Ms. McPadden's case? Toward Walmart's case?
17. Will you be able to follow the legal instructions given to you by the Court regardless of your personal feelings as to what the law should be?
18. Do any of you want to be a juror on this case?

B. Questions Relating to Walmart

19. Do you shop at Walmart?
20. Do you have any strong feelings or opinions, either positive or negative, about Walmart, or its employees?
21. Have you or any of your relatives or close friends been, or are any of you currently, an employee of Walmart?
22. Do you have, or have you had, any type of business relationship with Walmart? If so, describe the relationship.
23. Have you ever had any problems with goods or services sold or provided by Walmart? If you have had any problems with Walmart goods or services, do you have any ill feelings towards the company?
24. Have you or a close friend or relative ever been involved in a lawsuit or dispute involving Walmart?

C. Questions Relating to Plaintiff's Claims

25. Have you or someone close to you ever been involved in any way in a situation involving a claim of discrimination, retaliation, wrongful termination, negligent supervision or negligent infliction of emotional distress? If so, please describe.
26. Have you ever sued or been involved in a dispute with your employer, even if that did not result in a lawsuit or claim?
27. Have you or someone close to you ever experienced any of the following at work:
 - a. Been terminated, forced to retire or laid off from a job?
 - b. Harassed on the job?
 - c. Been the victim of age, sex, disability, race or ethnic discrimination?

d. Experienced significant emotional distress?

28. Have you or any member of your family or any of your friends ever sued anyone or filed a charge, claim or complaint against any person or corporation alleging discrimination of any type whatsoever? If so, what type of discrimination was involved, and what was the outcome of that charge or claim?

29. Do any of you feel that you have been unfairly treated at work? If so, please describe the circumstances and whether you took any action concerning this unfair treatment.

30. Do any of you have any biases or feelings about the issue of sex discrimination or retaliation that would make it more difficult for you compared to the average person from being a fair and impartial juror in this type of case?

31. Do you supervise or manage employees for your job?

32. Have you or any member of your family ever: (a) owned or operated your own business; or (b) done business as a corporation?

33. Have you ever been accused, regardless of the merits of the allegations, of treating another employee unfairly?

34. Has a pharmacist or pharmacy ever made a mistake when filling a prescription for you or a member of your family?

35. Have you or a member of your family ever made a complaint about a pharmacy or pharmacist regarding services provided?

36. Have you or a member of your family ever contacted the New Hampshire Board of Pharmacy or any other regulatory agency regarding a pharmacy?

37. Have you or a member of your family ever suffered any adverse reaction as a result of an error or omission by a pharmacy or pharmacist?

38. Have you or a member of your family ever taken a leave of absence under the Family and Medical Leave Act?
39. Have you or a member of your family ever taken any type of leave of absence from work?

D. Media Reports and General Perception

40. Have you ever heard of, do you have any knowledge of, or do you have any particular interest in the facts or events of this case?
41. Do you have an opinion about Walmart whether positive or negative? If so, what is your opinion and what do you base that opinion on?

E. Individual Questions to Ask Each Juror

42. What is your name?
43. Where do you live?
44. Do you work outside the home?
 - a. If yes, what do you do?
 - b. Who do you work for?
 - c. How long have you worked for them?
 - d. What did you do before you worked for them?
45. Have you ever worked in a Pharmacy or Doctor office?
 - a. If yes, who was your employer?
 - b. What was your position?
 - c. How long did you work there?
 - d. Why did you leave?
46. What is the highest level of education you achieved?
47. Are you married or living with a significant other?

- a. If yes, does your spouse or partner work outside the home?
 - i. If yes, what do they do?
 - ii. Who do they work for?
 - iii. How long have they worked for them?
 - iv. What did they do before they worked for them?
 - v. How many other people work for each of those companies?

48. Do you have any children?

- a. If yes, what are their ages?
- b. Are they employed?
 - i. If yes, what do they do?
 - ii. Who do they work for?
 - iii. How long have they worked for them?
 - iv. What did they do before they worked for them?
 - v. How many other people work for each of those companies?

49. Are you involved in any clubs or organizations?

50. Based on what you have heard about the case and the questions I have asked, is there anything else about you that you think the Court would want to know about you or your life experience in relation to you being a juror in this case?

Respectfully submitted,

WAL-MART STORES EAST, LP

By its attorneys,

/s/ Christopher B. Kaczmarek

Christopher B. Kaczmarek (Bar No. 17890)

Joseph A. Lazazzero (*admitted pro hac vice*)

LITTLER MENDELSON, P.C.

One International Place, Suite 2700

January 19, 2016

Boston, MA 02110
Phone 617.378.6000
Fax 617.737.0052
ckaczmarek@littler.com
jlazazzero@littler.com

CERTIFICATE OF SERVICE

I, Christopher B. Kaczmarek, hereby certify that on this 19th day of January, 2016, the foregoing document was filed electronically through the ECF system, is available for viewing and downloading from the ECF system, will be sent electronically to counsel of record as registered participants identified on the Notice of Electronic Filing and via first class mail to all non-registered participants identified on the Notice of Electronic Filing.

/s/ Christopher B. Kaczmarek
Christopher B. Kaczmarek

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